

1 And this can be done say with over commercialization
2 where you have exact numbers. We recently fined three
3 stations for exceeding the commercial limits in children's
4 programming. Once you get in program content, it gets to be a
5 much more complex and gets to be a more of a legal challenge.
6 As I said before, I think we should program so much
7 programming per week and it has to contain this kind of
8 content, would be very easy to regulate. It would really put
9 the hammer on broadcasters. But I think my experience with
10 indecency, when we were -- the Court handed it back to us on
11 -- I was trying to enforce it. It gives me great pause about
12 coming up with, with quantitative and qualitative numbers.
13 It's -- what can we do? That's, that's the idea. You, you
14 want 1 hour a, a week? Is it necessary. Is it, is it --
15 you're willing to take the chance that it'll pass court
16 mustard? I don't know.

17 We do have to remember one thing and that is this
18 and this hasn't been said, that broadcasters, too, you know,
19 have children, grandchildren, nieces, nephews, friends of the
20 children and listeners and viewers that, that they're very
21 close to. And they all have an affect on them, too. And I
22 think the citizen's group as a whole have a great affect on,
23 on, on broadcasting.

24 Let's, let's take indecency and violence. I went on
25 a tear on this thing about 2 years ago, Mr. Chairman. It has

1 improved considerably. And, yet, the indecency thing was
2 passed back to us from the court. We no longer have a, a, a
3 10 p.m. or midnight or 24 hour safe --. I think we're back to
4 6 a.m. to 8 p.m. which may be inadequate for your needs but
5 that's, that's the way the Court sees it.

6 But broadcasters have responded to public pressure
7 and a public outcry. And maybe -- I don't know whether we
8 have to settle for it. Frankly, I don't know how we can
9 actually demand specificity and still past First Amendment
10 muster on, on this thing.

11 I do think NAB put out a recent release. You can --
12 you may question the methodology but it looked like it came
13 from a pretty good -- reliable resource -- research resource,
14 showing that it's improved considerably in the last -- in the
15 last year and a half. And that has to also go on the record.
16 So, you have had notable improvement. Whether it's enough
17 improvement to meet everyone's needs, I don't know. It's a
18 subjective judgment. What I might consider adequate or
19 inadequate someone else might disagree with and even public
20 interest groups that are very interested in this thing still
21 have not been appointed bargaining agents for the public at
22 large. You are and you have a right to be heard but you are
23 promoting your own private version of the public interest.
24 Now, how do we put this into a, a, a general requirement that
25 broadcasters meet the educational informational needs of

1 children?

2 I just say, you better do it. I, I give specific
3 examples before. I don't expect them to follow it because I
4 suppose if, if they followed it, then someone could, could
5 certainly say that I'm telling them exactly what the program
6 is. But it's a complicated problem. I'm trying to, to
7 grapple with it and I appreciate the input of everyone -- one
8 here.

9 I don't know whether we can -- we'll have to decide
10 on how specific we can get when all this is over with. Yes,
11 sir, that's it.

12 MS. ELLERBEE: Commissioner Barrett?

13 COMMISSIONER BARRETT: Thank you very much. Bruce,
14 you mentioned in the redeeming of my terms, programs in prime
15 time on networks that had some redeeming features that might
16 be applicable to children's programming?

17 MR. JOHANSEN: Right.

18 COMMISSIONER BARRETT: Had something to do with --
19 name some of them. Name three of them.

20 MR. JOHANSEN: Full House, Family Ties, any of the
21 sitcoms where there are children present and --

22 COMMISSIONER BARRETT: Name me three -- two more.
23 And I'm not suggesting -- but I'd just like -- you name me two
24 more.

25 MR. JOHANSEN: I can't think of them right now.

1 COMMISSIONER BARRETT: Okay. So, so, there's not
2 that many?

3 MR. JOHANSEN: Oh, there are plenty. There are
4 plenty. I just have a bad memory. And they're not shows that
5 I watch. But if you look in your T.V. Guide, and you look
6 from 8 o'clock to 9 o'clock network schedules, -- Fresh Prince
7 of Belair, for example. Every night there is --

8 COMMISSIONER BARRETT: That's sort of -- but that's
9 okay.

10 MR. JOHANSEN: I don't think so. I think these are
11 programs that, that provide prosocial messages.

12 COMMISSIONER BARRETT: Okay.

13 MR. JOHANSEN: In an entertaining format.

14 COMMISSIONER BARRETT: Dr. McCartney, you had talked
15 about we ought to teach more values. Whose values do we teach
16 in America since there's nothing called in a real sense
17 American values as such? You and I've gone through this
18 before. There are American values. But -- in a diverse city
19 like Los Angeles or diverse city -- let's see -- use Montreal,
20 Canada where you have French and obviously other languages or
21 -- and which we have nothing to do with it obviously, the
22 problem of -- or you use a New York City which have almost 200
23 varying ethnic groups. What do we call -- whose values?
24 Whose values are we talking about teaching?

25 MR. MCCARTNEY: I think there are certain basic

1 values that are inherent in -- as I said in my presentation --

2 COMMISSIONER BARRETT: Like honesty?

3 MR. MCCARTNEY: -- various religious tenants of, of
4 many religions. Honesty is one. Respect for people of, of
5 different creeds.

6 COMMISSIONER BARRETT: But they'll, they'll cut
7 across all religious values?

8 MR. MCCARTNEY: That's correct.

9 COMMISSIONER BARRETT: We assume their honesty?

10 MR. MCCARTNEY: Yes.

11 COMMISSIONER BARRETT: So, whose values, social
12 values and cultural values would we -- do you want television
13 to teach?

14 MR. MCCARTNEY: We're, we're not advocating that
15 you, that you -- that television mirror my values or your
16 values but those, those values which help in the development
17 of children that relate to their, their view of one another,
18 of themselves, of the world. And we're not, we're not talking
19 about religious dogma but those basic values that, that make
20 it possible for children and adults to interact with one
21 another in positive ways.

22 COMMISSIONER BARRETT: Okay. But are you saying
23 it's the same value as -- well, let me leave that alone. I
24 don't want to --

25 MR. MCCARTNEY: All right.

1 COMMISSIONER BARRETT: You mentioned numerical
2 goals. To what -- tell me about what kind of numerical goals
3 you're suggesting and who would set them.

4 MR. McCARTNEY: We were suggesting that a, a goal,
5 apparently, which a number of groups here seem to feel is, is
6 comfortable of 1 hour per day of programming aimed at, at
7 meeting children's needs. As I said, it's about 4 percent of
8 the, of the broadcast week of a full time station which is
9 less than the percentage of children in the, in the population
10 at large. So, we think that is a reasonable request to ask
11 the stations to, to use in addressing the problem of the
12 educational and informational needs of children.

13 COMMISSIONER BARRETT: You share my friend, Bruce's
14 analysis that between whatever's in our meeting and whatever --
15 -- and redeeming once again is my word, that there are a
16 number of programs on television that have those redeeming
17 educational and instructional ambiances and nuances that --

18 MR. McCARTNEY: Again, as I, as I said, we, we, we
19 believe that programs should be specifically designed to meet
20 the needs of children. These programs that were referred to,
21 the, the sitcoms, bring those values in incidentally to the,
22 to the larger theme of the program. We think there's a need
23 for programs that are specifically designed to meet the needs
24 of children and to meet the needs of children in various age
25 groups.

1 COMMISSIONER BARRETT: I agree with you to some
2 extent because you don't think that the subtle scenes of
3 teaching of nonparticipation in any sex as opposed to what
4 some people call safe safe, I suggest nonparticipation or many
5 social values in terms of why one should go to school or, or
6 why one should be honest even though they're subtle, have no
7 educational nuances in their --

8 MR. MCCARTNEY: Indeed they do but they're not the
9 primary purpose of the program. They are -- they're
10 incidental to the, to the performance of the broadcaster in
11 this regard and we're, again, concerned about the core
12 programming aimed at children.

13 COMMISSIONER BARRETT: One might say that if you use
14 your, use your weapons or your, your same trucks and things in
15 children's programming that, as a matter of fact, programming
16 is not, in fact, directed towards that as opposed to also
17 being directed towards selling and heightening the, the
18 advertisement for your, for your trucks or whatever they be,
19 guns, or what on children's programming.

20 MR. MCCARTNEY: Yeah. We, we look at those as
21 manipulatives of children, as, as really selling the product
22 rather than, than meeting the educational needs of children.

23 COMMISSIONER BARRETT: Okay. Peggy, you were about
24 to jump out of your seat over there when Bruce, when Bruce
25 made that statement about --

1 MS. CHARREN: I'm not very -- I'm not good at poker.

2 COMMISSIONER BARRETT: Do, do you share Bruce's view
3 about there being some programs on that have some level of
4 redeeming features, how be they subtle?

5 MS. CHARREN: I think, I think that if --

6 COMMISSIONER BARRETT: And I happen to agree with
7 him, by the way.

8 MS. CHARREN: I think it's important to understand
9 that the requirement to provide programs specifically designed
10 to educate children does not mean that the rest of television
11 is a disaster. The fact is that, that there's a lot of
12 television that's very nice. There's a lot of television that
13 has what the industry likes to call prosocial messages even
14 for adults. That doesn't begin to solve the problem of
15 serving a particular audience that has been underserved for
16 the most part by broadcasters. And so that I think the --
17 what, what else is available is irrelevant to the, to the core
18 of this discussion. And, you know, nobody thinks that
19 broadcasters are, are there to do in the American public.
20 The, the question is that there are programs specifically
21 designed to educate adults. We, we call that news and public
22 affairs usually.

23 COMMISSIONER BARRETT: You mentioned that, that we
24 ought to allocate monies collected from -- I assume you
25 suggest from commercial broadcasters --

1 MS. CHARREN: Yes.

2 COMMISSIONER BARRETT: -- and give to PBS. Who
3 would be the collection agency?

4 MS. CHARREN: I think that the, the collection
5 agency would be this Commission, that you would be -- you
6 would establish -- you would establish the, the idea that it's
7 for all of commercial broadcasting that this whole idea didn't
8 work, that, that Peggy Charren came to this Commission 25
9 years ago with this, with this crazy idea and it didn't work.

10 COMMISSIONER BARRETT: I don't think the idea's been
11 that crazy.

12 MS. CHARREN: Well, --

13 COMMISSIONER BARRETT: I think it's been very good,
14 but let me just ask you one because, because Miss Ellerbee is
15 going to run me off.

16 MS. CHARREN: You asked me what I think -- you asked
17 me what I think of Bruce's testimony. I think he would think
18 it was a crazy idea given his answers to, to what's going on
19 here today.

20 COMMISSIONER BARRETT: How do you -- how do you --

21 MS. CHARREN: The, the fact is that, that if you
22 took that requirement away, it's appropriate for public
23 trustees -- and goodness knows the industry is still screaming
24 that public trustees and that we -- that, that while that's in
25 place, that responsibility to serve the public, there is no

1 First Amendment problem to saying serve children, too. And
2 there is no problem to saying if we're going to free you from
3 serving children, you got to pay for it.

4 COMMISSIONER BARRETT: How, how would you -- how
5 would you respond to the many people saying that PBS really
6 caters to an eliteist group of people and --

7 MS. CHARREN: Right.

8 COMMISSIONER BARRETT: -- that as a matter of fact it
9 has strayed away from its mission. And there are many broad
10 -- traditional broadcasters, so-called commercial
11 broadcasters, that suggests that notwithstanding the fact that
12 it only gets a small portion of its money from the public
13 trust, that it is, as a matter of fact, should not be allowed
14 to do certain things.

15 Let me tell you a very interesting point of where I
16 get the term straight from its mission which primarily, as you
17 well know, was supposed to have been educational.

18 I had the pleasure of having dinner with Bruce
19 Christensen in February at Brigham Young University in Provo,
20 Utah, and I asked him could PBS be saved? And his response
21 was, yes, if it were to return to its mission because it has
22 strayed from its mission which was primarily educational.

23 How do you respond to that? And I'll be quiet, Miss
24 Ellerbee.

25 MS. CHARREN: I, -- responding to that statement

1 from Bruce Christensen, I'd like to say, first of all, that
2 since he said that, I'm delighted he's no longer Chairman of
3 the Public Broadcasting System.

4 COMMISSIONER BARRETT: I am very seldom at a loss
5 for words but under those circumstances, --

6 MS. CHARREN: And, secondly, I'd like to take this
7 opportunity to say, and it's a nice thing to be able to say at
8 this hearing, that I think public broadcasting is a major
9 national resource. That the reason I came up with that idea
10 is because I think they have done an extraordinary job of
11 serving children and me.

12 COMMISSIONER BARRETT: Now, that you -- now, that
13 you --

14 MS. CHARREN: I don't consider myself an, an
15 elitest. I have --

16 COMMISSIONER BARRETT: Now, that you have ruined my
17 professorship next year at Bringham Young, I don't know what
18 I'm going to do but let me ask you one other thing. And I
19 probably -- there's one thing, you know, Ed Markey have a
20 theory, Barrett, when you're in a hole, stop digging.

21 MS. CHARREN: I think it's nifty that you gave me an
22 opportunity to pat public television on the back.

23 COMMISSIONER BARRETT: Thank you very kindly.

24 MS. CHARREN: It's my favorite institution.

25 COMMISSIONER BARRETT: Thank you.

1 MS. ELLERBEE: Commissioner Ness?

2 COMMISSIONER NESS: Thank you. The reason why -- I,
3 I hate to leave this wonderful discussion, how about
4 responding to Peggy Charren's suggestion about perhaps
5 substituting with dollars for the commitment to do programming
6 on your own respective stations, curious? Any thoughts on
7 that?

8 MR. LA CAMERA: I'm always so respectful of my
9 fellow Bostonian but in this case I must respectfully disagree
10 with, with the concept.

11 One, first and foremost, broadcasters aren't asking
12 to be relieved of their obligations to the children in their
13 audience and I think that's very important.

14 And, secondly, those resources that are available to
15 us, we would obviously feel are best directed to the services
16 that we provide our local news, our local programming, special
17 efforts, community outreach, everything that makes television
18 stations in this country the unique contributing institutions
19 that they are.

20 COMMISSIONER NESS: You mentioned earlier that -- in
21 part because of cable -- kids have been dispersed. How would
22 you regroup the, the troops? What kind of commitment can we
23 expect from stations to publicize the wonderful programs that
24 are now bubbling up from both the networks and the local
25 stations?

1 MR. LA CAMERA: Well, I think what you've seen is
2 these, these -- networks emerging, whether it's Warner
3 Brothers, Disney or we heard this morning Fox, where this
4 component of educational informational programming will
5 hopefully play a larger and larger role. These networks are
6 placed on stations. Among their primary missions are to reach
7 young viewers and children. And to do that successfully, that
8 must have the necessary promotional under pining. And I see
9 -- I think we're seeing that. It's a, it's a emerging
10 phenomenon but one I think that you also find very
11 encouraging.

12 As far as network affiliate stations, it's, it's a
13 different consideration. Here we looked at traditional time
14 periods of Saturday and Sunday mornings where historically
15 children have known that programming is primarily targeted to
16 them and readily available to them. And we, and we provide
17 whatever promotional support is required to continue to affirm
18 that situation.

19 COMMISSIONER NESS: Please?

20 MR. RUSHNELL: I don't, I don't really like the idea
21 of broadcasters being absolved of their responsibility in this
22 regard either. Peggy, I think your ideas are always
23 brilliant, --

24 MS. CHARREN: Thank you.

25 MR. RUSHNELL: -- even though they're a little wacky.

1 MS. CHARREN: I like your Afterschool Specials too.

2 MR. RUSHNELL: But the fact of the matter is is
3 that, is that children's viewing patterns is that 8 percent of
4 their viewing time is with public television. And I'm not so
5 sure that, that that would be serving the needs of the
6 children if we put all of the responsibility in that basket.

7 Now, by the same token, I say that, that the
8 responsibility -- we shouldn't be looking over at cable -- at
9 what cable is doing either because 26 percent of the time that
10 children watch television, they're watching basic cable, 6
11 percent pay cable, but 62 percent of a child's time in front
12 of a television set is in front of a commercial television
13 station. Therefore, it seems to me that we've got at least
14 almost two-thirds of the responsibility to children at the
15 broadcast level.

16 COMMISSIONER NESS: There are some stations that
17 have expressed concern that they don't know what the
18 Commission is expecting of them. Is there any validity to the
19 concept of safe harbor, that there's a presumption that if
20 they provide a certain level of programming that their license
21 would be renewed administratively?

22 MR. LA CAMERA: Well, if they're responsible
23 broadcasters, and I would suggest that they don't need a
24 quantifiable number. We have historically operated under the
25 vagaries and exigencies of the larger public service standard

1 throughout our history and have done that with a degree of
2 comfort and know when we're doing well and know when we're
3 falling short. I think that can be translated into children's
4 programming as well.

5 You talk about a safe harbor and that could be,
6 again, quite convenient and provide a minimum which
7 unfortunately might also translate for broadcasters, for a lot
8 of broadcasters into a maximum. But, again, I would reraise
9 that -- the abridgement of, of whatever line divides us. That
10 First Amendment line that divides us, it could take us from a
11 safe harbor into the dangerous waters of abridging that First
12 Amendment separation between our federal government and our
13 nation's broadcasters.

14 COMMISSIONER NESS: Do we have to realistically
15 worry about too much coming on board? Did you want to
16 respond, Miss Charren?

17 MS. CHARREN: I just want to say that I want to
18 reenforce what Squire talked about in his testimony and which
19 is in my written testimony which I assume will be part of the
20 record. And that is the degree to which what this Commission
21 says affects how broadcasters behave. I, I didn't realize
22 that when I came here in 1970. And that I thought, you know,
23 it, it was two Republican and one Democratic administrations.
24 And the -- and there wasn't a law. There was just the
25 Communications Act law that says --and the, and the Commission

1 has said, hey, children are people, too.

2 When Ronald Reagan got elected -- I can't imitate
3 him as nicely as Squire can -- but when he got elected and
4 appointed Mark Fowler to run this agency and, and, and he said
5 in the Waldorf -- I was there, that television's just a
6 toaster with pictures. It was a matter of weeks before CBS
7 took the 20 people in their news department and either
8 reassigned them to adult news, they were in children's news,
9 or fired them. It was a matter of weeks before all the
10 programming that had been developed in the '70s was cancelled
11 and when they put Captain Kangaroo on at 5 o'clock in the
12 mountain zone and then said he didn't get an audience. And
13 that was why the, the programming went down for so long. And
14 I think the reason it's going up is because you have -- when
15 the Clinton administration got into the White House, the
16 broadcasters realized that maybe they were in for some change
17 and that when, when the FCC said it was going to have
18 hearings, everybody started talking about it. They waited for
19 your Commissioners to all be in place and that there's a sense
20 that, well, they're serious again in Washington. And I don't
21 know if I can say this but I'm going to say it anyway because
22 that's never prevented me yet. But, but as a good Democrat, I
23 worry that we may not be in power forever in this country and,
24 and, and --

25 CHAIRMAN HUNDT: You actually can't say that.

1 MS. ELLERBEE: Stop there.

2 MS. CHARREN: And I, and I --

3 CHAIRMAN HUNDT: So, the red light needs to be --

4 MS. CHARREN: And I, and I worry that if there's --
5 that, that I worry that if the perception is that this Agency
6 doesn't care anymore, that line is going to go right back
7 down. And I think this Commission is in a very good place to
8 do something that will prevent that from happening.

9 COMMISSIONER NESS: Thank you. Dr. Kunkle?

10 DR. KUNKLE: I don't understand one brief point and
11 that is that when we talk about this processing guideline
12 setting a maximum threshold, if -- which was your concern.

13 COMMISSIONER NESS: Minimum threshold.

14 DR. KUNKLE: Well, -- but he's worried about it
15 being a maximum. You see, he's saying that, gee, that might
16 be the ceiling that we would ever get to, that we're so far
17 away from that. If you look at the high point of Squire's
18 figure over here, the 11 points at the -- the 11 hours at the
19 very high point, that was branded by this Commission as
20 entirely inadequate. Look where we're at now. We're not at
21 half of that level. The processing guidelines, if you're
22 talking about 6 hours, 7 hours a week, that would put us about
23 four tarts above the top line of that level. That's how low
24 we are. I mean the amount is a tremendous problem. And I
25 don't know if you have to do processing guidelines to change

1 things but you've got to do something to change things.

2 MS. ELLERBEE: Commissioner Chong?

3 COMMISSIONER CHONG: I first wanted to commend the
4 parental groups, PTA, Maryland Campaign for Kid's T.V., people
5 like Peggy, for their activism here. And a point that I'd
6 first like to make is that parental and community involvement
7 in this issue is extremely important and my hat is off to
8 those of you that are, that are here today and making other
9 efforts.

10 My first question is for Charlene. You talked about
11 community activism as being a key. Are there ways in which
12 your organization has been able to spread the word to other
13 local communities to do the kind of things that you folks are
14 doing in Maryland to encourage local broadcasters from a grass
15 roots level to put on more programming for children?

16 MS. UHL: We've been working with the Center for
17 Media Educational which is running the national campaign, and
18 I've been able to talk to a lot of groups in other states.
19 And I think there is going to be a grass roots response. But
20 the challenge is that because it is so ambiguous, if, if there
21 isn't some direction from the FCC, you're going to get 50
22 different versions of what is compliance and what isn't
23 compliance. And when you talk to local broadcasters who are
24 network affiliates, they won't know from one state to another
25 what the rules are. So, I think a national standard is very,

1 very important to implement for that reason.

2 COMMISSIONER CHONG: Thank you. Mr. La
3 Camera, you've testified that many children are up early and
4 watching T.V. between 6 and 6:30 in the morning. And you
5 specifically testified that 1.5 million kids between 2 and 11
6 years old are watching at 6 in the morning and that 2.4
7 million kids are watching at 6:30 in the morning.

8 My question for you is what percentage of total
9 children does those -- do those statistics represent?

10 MR. LA CAMERA: I don't know the answer to that,
11 Commissioner, and we'll certainly have the National
12 Association of Broadcasters provide you with the, with the
13 backup statistics.

14 COMMISSIONER CHONG: I'd appreciate that.

15 MR. LA CAMERA: Sorry about that.

16 COMMISSIONER CHONG: Now, do you think that a
17 broadcaster fulfills their obligation to kids if they put all
18 of the programming in these very early morning time slots?

19 MR. LA CAMERA: No, absolutely not. And, again, but
20 what was encouraging from the recent NAB study was that more
21 than 80 percent of it actually appears later than 7 a.m. in
22 the morning, but a broadcaster that looks to those early
23 morning time periods at best serves a very young pre-school
24 audience and does not fulfill his or her full obligations.

25 COMMISSIONER CHONG: I see that as a very positive

1 trend, the move towards later time slots.

2 Now, you also testified that additional regulation
3 by the FCC is "not necessary" and that it's "premature". How
4 long do you suggest that this Commission should wait to
5 determine whether the goals of the Act are being served?

6 MR. LA CAMERA: Well, I, I don't know if I could
7 give you a particular calendar date on that, and I don't mean
8 to overuse the word encouraging, but what's been accomplished
9 in less than 4 years is very meaningful, to almost double the
10 amount of programming from the NAB study. I would imagine,
11 again, following up with what Bruce had said, that if you look
12 to the syndicated marketplace that is emerging and growing,
13 it's an increasingly important contributor to this area. And,
14 and I, I imagine that you're going to see increasing
15 improvements and that's the -- a larger sense throughout the
16 industry.

17 COMMISSIONER CHONG: Peggy, you're so fun to talk
18 to. This idea about taking money from broadcasters to give to
19 PBS to do programming for kids, how in the world do you think
20 we can justify taking money from the broadcasters for that --

21 MS. CHARREN: I think that --

22 COMMISSIONER CHONG: -- from a legal point of view?

23 MS. CHARREN: I think they have a statutory
24 obligation to serve children and this law made that very
25 clear. And if they can't do it, if they really can't figure

1 out how to do that in a way that seems to satisfy the needs in
2 a Democratic society for serving a particular audience, then
3 that relieves them from the, the legal responsibility to serve
4 the public which comes with a license for one portion of the
5 audience. They still presumably are serving the rest of us.
6 And it seems to me that has a, a value, a money value, just
7 like the idea of a spectrum fee or a the -- if you sell off
8 the spectrum, you know, in which they got for nothing -- I
9 mean this, this is all based on the way television was set up.
10 This law really, the Children's Television Act, is just a
11 definition of a part of the Communication's Act. If it
12 weren't for that law, I certainly would never have managed to
13 cause this -- the, the Children's Television Act to happen.

14 And by seeing them from that, it seems to me there's
15 a -- not only a monetary obligation in return for that
16 privilege but there's -- they're going to save some money. I
17 mean all I hear from broadcasters is just how much money it
18 costs to try to do this right and that they can't afford it.
19 I should think they'd embrace this idea. They're having so
20 much trouble making it meaningful. Now, I don't mean every,
21 every programmer and every broadcaster all the time.
22 Obviously, there's some nice stuff happening. But there isn't
23 enough happening it seems to me. For that not to be in the
24 hopper is a -- is at least an idea to talk about.

25 MS. ELLERBEE: Thank you. I have a few questions.

1 I'd like to start with Mr. La Camera. In your view, are
2 broadcasters providing sufficient amounts of educational
3 children's program -- programming to comply with the
4 Children's Television Act?

5 MR. LA CAMERA: I, I don't think anyone would be
6 prepared to, to say that. Again, what I, what I can say is
7 that the landscape has improved markably. I think we can be
8 heartened. And if you look at the, at the mix of what's
9 available in a marketplace among the emerging independent
10 stations and the independent networks, affiliated stations,
11 and certainly public broadcasting, I share much of what Peggy
12 had to say about that. I think there are ample programming
13 opportunities for young viewers.

14 MS. ELLERBEE: Well, if, if, if, if as you say, and
15 there seems to be pretty much agreement, that this recent
16 increase that we have seen is due to the Children's Television
17 Act or let's, or let's put it this way, due to a little
18 regulatory encouragement from the FCC, wouldn't a little more
19 regulatory encouragement give us more educational programming?

20 MR. LA CAMERA: I, I think we're there.

21 MS. ELLERBEE: Yeah.

22 MR. LA CAMERA: You know, the quarterly reporting
23 that we do in this and the annual reporting that we place in
24 our public files is a friendly reminder to us of the
25 importance of, of this area of our service. And, secondly, we

1 well recognize now that when we turn to the Federal
2 Communications every 5 years for the privilege of having our
3 license renewal -- renewed, that one of the principle measures
4 that would be brought against us is how we have served our
5 young audiences.

6 So, I think the regulation and the oversight is in
7 place and in 4 years broadcasters have taken it seriously and
8 that's been demonstrated quite well.

9 MS. ELLERBEE: Miss Uhl, the, the 1 hour a day, what
10 is the thought behind that? Why an hour?

11 MS. UHL: It's very arbitrary but a minimum standard
12 that out of 16 hours of programming that we monitor between 6
13 a.m. and 10 p.m., 1 hour a day seems to be a good token if you
14 want to call it that. Not a good word to use but a good
15 token.

16 MS. ELLERBEE: This is for Miss Charren. Please
17 respond to the NAB assertion -- this is from the audience --
18 to this panel that specific definition of broadcaster
19 requirements for children would be a) premature b) unnecessary
20 and c) an intrusion into a sensitive First Amendment area.

21 MS. CHARREN: The intrusion into the First Amendment
22 area came with the Communication's Act of 1934 that says in
23 return for a license, you have to serve the public. That is
24 different from the responsibility of the shoe manufacturer who
25 made pointed shoes with 4 inch heels that I couldn't wear. It

1 is different from the responsibility of newspapers and
2 magazines. It is a particular thing that comes with a license
3 and when broadcasters took on the license, they knew it.

4 Now, in 1960, the FCC said 5 percent of your
5 programming has to be news and public affairs. I'm amazed
6 there wasn't a screaming hysteria about the FCC even opening
7 their mouth on the subject of news but it was perceived that
8 news wouldn't work in the marketplace because you couldn't
9 show body bags and sell Listerine in the next 30 seconds. The
10 fact is you can do that and you can do it very easily with the
11 American public. So, that marketing of, of news works and you
12 don't need that rule. Marketing of children's television
13 that's diverse and educational does not work because children
14 are so different. So, that this is a place for the FCC to pay
15 attention now and if that Communication's Act is still legal,
16 so is the idea that serving children with programming designed
17 to serve their interests and the interests of children is in
18 educating them, at least part of the interest, then, then
19 that's legal, too.

20 The -- I'd like to quote if I finally can get to it,
21 what Justice Warren Burger said. He said a broadcaster seeks
22 and is granted the free and exclusive use of a limited and
23 valuable part of the public domain. When he accepts that
24 franchise, it is burdened by enforceable public obligations.
25 A newspaper can be operated at the whim or caprice of its

1 owners, a broadcast station cannot. Until you repeal that law
2 all together, I am going to be saying that children need
3 better service and assume that that fits a legal world.
4 Otherwise, I would have been out of business 20 years ago.

5 MS. ELLERBEE: I have one final question. Miss
6 Green, does 1 hour a day devoted to children's educational
7 programming seem excessive to you?

8 MS. GREEN: No.

9 CHAIRMAN HUNDT: One final, one final question,
10 totally out of order. Paul, if I understood you fairly, what
11 you were saying in response to some of these questions was
12 that your view is that broadcasters are maximally encouraged
13 by the current state of regulations. That's, that's a fair
14 summary, isn't it?

15 MR. LA CAMERA: I think they get it.

16 CHAIRMAN HUNDT: So, now, I have to ask you a
17 lawyerly somewhat tricky final question.

18 MR. LA CAMERA: You have to remember I'm a law
19 school dropout and this is what happens to law school
20 dropouts.

21 CHAIRMAN HUNDT: But we all -- we always subpoena
22 law school dropouts. Looking at that chart over there that
23 says that the average combined weekly educational T.V. for
24 children of the three nets plus Fox is 9 hours. Does that
25 mean that that's the maximum number that we're going to get?